

REMARKS/ARGUMENTS

In the Office Action, claims 1-10 were pending, and upon entry of the present amendment, claim 2 is canceled without prejudice or disclaimer, claims 1, 3, and 5 are amended, and claim 11 is added. Applicant submits that the present amendment does not introduce new matter into the specification.

Claims 1-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged three-way combination of Japanese Publication No. 3080713 (hereinafter, Japan ‘713), Japanese Publication No. 08-185929 (hereinafter, “Japan ‘929”), and Yasufuku et al. (U.S. Patent No. 6,264,506). Applicant respectfully traverses this rejection, especially insofar as it may be applied against the claims as amended.

At the outset, the Office Action also objected to claim 5 for an informality, and Applicant has amended claim 5 as suggested in the Office Action. Applicant believes this objection is now moot.

Turning now to the rejection under 35 U.S.C. 103(a), the Office Action relies primarily on Japan ‘713 for the general showing of a USB-type connector device that can receive a FLASH plate memory card. The Office Action concedes, however, that Japan ‘713 fails to teach or suggest a card stopper. To address this deficiency, the Office Action identifies two other references (Japan ‘559 and Yasufuku et al.) showing general uses of locking mechanisms, and alleges that their combination with Japan ‘713 renders all claims 1-10 obvious.

There are a number of deficiencies in this allegation. First of all, even if the references were combinable as alleged, the combination still would not result in the claimed device. For example, amended claim 1 recites:

a card stopper located as being capable of sliding between the card slit port of the case and the external connector, and comprising a first end at the card slit port side and a second end capable of protruding toward the external connector side; wherein the first end clutches the functional card when the card stopper moves to the card slit port side to suppress the functional card being pulled out of the card slit port, and the second end protrudes in the protrusively provided direction of the external connector from the case when clutching of the functional card at the card slit port is released, and the second end is pushed by an external device and the first end protrudes toward the card slit port when the external connector is inserted into a connector receptacle of the external device with which the external connector is connected.

Neither of the references, even if combinable with Japan ‘713, includes such a stopper.

The first such reference, Japan ‘559, shows locking member 100. Figures 5 and 6 of Japan ‘559 show this locking member 100 in its two positions (Fig. 5 is the locked position and Fig. 6 is the unlocked position). This locking member 100 does not, however, have a “second end protrudes in the protrusively provided direction of the external connector from the case when clutching of the functional card at the card slit port is released,” as recited in claim 1. Figure 6 shows the member 100 in an unlocked position (allowing removal of a memory plate via opening in guide part 12b), and no such protrusion is shown. Figure 2 of Japan ‘559 shows this unlocked position as well, and there is no such protrusion in locking member 100.

The Japan ‘559 locking member 100 also fails to teach or suggest that “the second end is pushed by an external device and the first end protrudes toward the card slit port when the external connector is inserted into a connector receptacle of the external device with which the external connector is connected,” as also recited in claim 1. The Japan ‘559 locking member 100 is not pushed in this manner. Indeed, Japan ‘559 does not show any such insertion into a connector receptacle of an external device and pushing by an external device.

The third reference in the combination, Yasufuku et al., is no better. The Office Action cites Figures 7 and 12 from this reference, and those figures show a ball (element 51) and spring structure (Fig. 7) or a lock piece (element 81). None of those structures teaches or suggests the recited card stopper. For example, neither of those structures includes a “second end protrudes in the protrusively provided direction of the external connector from the case when clutching of the functional card at the card slit port is released.” Furthermore, the Yasufuku et al. structures do not teach or suggest “the second end is pushed by an external device and the first end protrudes toward the card slit port when the external connector is inserted into a connector receptacle of the external device with which the external connector is connected,” as also recited in claim 1. Indeed, Yasufuku et al. shows, in Figs. 12A-C, a switch to be pushed by a user’s finger, and not “when the external connector is inserted into a connector receptacle of the external device with which the external connector is connected.”

Even if the alleged three-way combination were proper, the combination would still fail to teach or suggest the claimed device. The combination, however, is not proper. A *prima facie* case of obviousness requires some suggestion, from the prior art, that the proposed combination would be desirable. See, e.g., MPEP 2143.01 (“The Prior Art Must Suggest the Desirability of the Claimed Invention”). Furthermore, even if two references could have been combined, that alone is insufficient for a motivation to combine. MPEP 2143.01 (“The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.”).

Here, the Office Action cites nothing to support its alleged modification of Japan ‘713 to incorporate the cited features of Japan ‘559 and Yasufuku et al. Instead, the Office Action

asserts that “[t]he use of a sliding card stopper would provide for more secure retention of the functional card in the slit port of the Japan ‘713 card connector device.” Office Action, p. 4. There is nothing in the record to suggest that the Japan ‘713 device needed, or even wanted, “more secure retention.” Indeed, the fact that the inventors of the Japan ‘713 device did not include any such retention structure in their design, and the fact that their USB-based device is advantageous because it is smaller (see, “Technical Problem”), would suggest that the added bulk of the Japan ‘559 and Yasufuku et al. structures would not have been desirable.

For at least the reasons set forth above, Applicant submits that claim 1 distinguishes over the art of record, and is in condition for allowance. Amended independent claim 3 recites “the second end protrudes in the protrusively provided direction of the connector from the second edge when clutching of the functional card at the card slit port is released, and the second end is pushed by an external device and the first end protrudes toward the card slit port when the connector is inserted into a connector receptacle of the external device with which the connector is connected.” The Office Action relies on the same allegations to reject claim 3 as discussed above with respect to claim 1. For at least the same reasons discussed above with respect to claim 1, Applicant submits that the art of record fails to teach or suggest “the second end protrudes in the protrusively provided direction of the connector from the second edge when clutching of the functional card at the card slit port is released,” and “the second end is pushed by an external device and the first end protrudes toward the card slit port when the connector is inserted into a connector receptacle of the external device with which the connector is connected.”

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Claim 3 distinguishes over the art of record, and is in condition for allowance. Claims 4-10 depend from claim 3, and are allowable for at least the same reasons as claim 3, and further in view of the features recited therein.

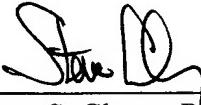
Applicant has also added new independent claim 11, and submits that this claim is distinguishable over the art of record as well. For example, claim 11 recites "a card stopper slidably located along said first edge, wherein a length of said stopper is greater than a distance between said card slit port and said second edge, whereby insertion of the card connector device into an external device causes said stopper to slide over a portion of said card slit port."

For at least the reasons discussed above, Applicant submits that pending claims 1 and 2-11 distinguish over the art of record, and are in condition for allowance. However, should the Examiner feel that additional discussion and/or amendment would be necessary to place the application in condition for allowance, the Examiner is invited to telephone the Applicant's undersigned representative at the number appearing below:

Respectfully submitted,
BANNER & WITCOFF, LTD.

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